

EXHIBIT 105

PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)
et al.,)
)
Plaintiffs,) Case No.
) 1:23-cv-
vs.) 000108-LMB-
) JFA
GOOGLE LLC,)
)
Defendant.)

Wednesday, September 6, 2023
9:59 a.m.

Remote Zoom Videotaped Deposition of
KRISTY KOZLOWSKI, held before Stacey L.
Daywalt, a Court Reporter and Notary Public of
the District of Columbia.


Job No. CS6078882

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2 (All appearances via remote Zoom)</p> <p>3</p> <p>4 Attorneys for United States:</p> <p>5 DEPARTMENT OF JUSTICE ANTITRUST DIVISION</p> <p>6 BY: DAVID GEIGER, ESQ.</p> <p>7 MATTHEW GOLD, ESQ.</p> <p>8 ELIZABETH ARAMAYO, ESQ.</p> <p>9 JEFF QUI, ESQ.</p> <p>10 5th Street NW, Suite 7100</p> <p>11 Washington, DC 20530</p> <p>12 david.geiger@usdoj.gov</p> <p>13 matthew.gold@usdoj.gov</p> <p>14 elizabeth.aramayo@usdoj.gov</p> <p>15 yinjiaqiu@usdoj.gov</p> <p>16</p> <p>17 Attorneys for Comcast and The Witness:</p> <p>18 DAVIS POLK & WARDWELL LLP</p> <p>19 BY: CHRISTOPHER LYNCH, ESQ.</p> <p>20 MICHAEL KUCHARSKI, ESQ.</p> <p>21 450 Lexington Avenue</p> <p>22 New York, New York 10017</p> <p>23 (212) 450-4034</p> <p>24 christopher.lynch@davispolk.com</p> <p>25 michael.kucharski@davispolk.com</p>	<p style="text-align: right;">Page 4</p> <p>1 -----I N D E X-----</p> <p>2</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 KRISTY KOZLOWSKI BY MS. DEARBORN 7</p> <p>5 BY MR. GEIGER 156</p> <p>6 BY MS. DEARBORN 235</p> <p>7 -----EXHIBITS-----</p> <p>8 EXHIBITS PAGE LINE</p> <p>9 Exhibit 1</p> <p>10 Comcast's Responses and Objections</p> <p>11 to Google's Rule 30(b)(6)</p> <p>12 Deposition Notice 13 19</p> <p>13</p> <p>14 Exhibit 2</p> <p>15 E-mail dated 5/16/18</p> <p>16 COM-00062160-61 30 3</p> <p>17</p> <p>18 Exhibit 3</p> <p>19 Competition in Television and</p> <p>20 Digital Advertising, May 2-3, 2019 51 8</p> <p>21</p> <p>22 Exhibit 4</p> <p>23 Q2 2023 HQ Product Diff Tactical</p> <p>24 Review dated 2/2/23</p> <p>25 COM-00000104-232 69 2</p> <p>Exhibit 5</p> <p>CB NED Q1 2023 Performance QBR,</p> <p>May 2023</p> <p>COM-00000415-435 101 9</p> <p>Exhibit 6</p> <p>E-mail dated 9/20/18</p> <p>COM-00035829 111 20</p> <p>Exhibit 7</p> <p>Comcast 2017 JBP Update</p> <p>COM-00035830-858 112 1</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S (CONTINUED):</p> <p>2</p> <p>3 Attorneys for Defendant Google LLC:</p> <p>4 PAUL WEISS RIFKIND WHARTON & GARRISON</p> <p>5 BY: MEREDITH R. DEARBORN, ESQ.</p> <p>6 CARTER GREENBAUM, ESQ.</p> <p>7 535 Mission Street, 24th Floor</p> <p>8 San Francisco, California 94105</p> <p>9 (650) 208-22788</p> <p>10 mdearborn@paulweiss.com</p> <p>11 cgreenbaum@paulweiss.com</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22</p> <p>23 CHARLES SHIOLENO, ESQ., Comcast</p> <p>24 JULIA PUDLIN, ESQ., Comcast</p> <p>25 CHRIS MCWILLIAMS, Videographer</p>	<p style="text-align: right;">Page 5</p> <p>1 EXHIBITS (CONTINUED) PAGE</p> <p>2 Exhibit 8</p> <p>3 CTV Programmatic Head-to-Head</p> <p>4 Test, Google vs. The Trade Desk,</p> <p>5 January 2023</p> <p>6 COM-00001141-1153 116 25</p> <p>7 Exhibit 9</p> <p>8 Comcast About Google Marketing</p> <p>9 Platform, February 26, 2020</p> <p>10 COM-00059612-669 126 18</p> <p>11</p> <p>12 Exhibit 10</p> <p>13 cookie-less Future Preparation,</p> <p>14 Comcast Divisional Overview, June</p> <p>15 22, 2021</p> <p>16 COM-00000236-269 144 4</p> <p>17</p> <p>18 Exhibit 11</p> <p>19 E-mail chain dated 9/17/19</p> <p>20 COM-00136496-499 149 6</p> <p>21</p> <p>22 Exhibit 12</p> <p>23 Exhibit 11 remarked</p> <p>24 COM-00136496-499 152 25</p> <p>25</p> <p>Exhibit 13</p> <p>E-mail with attachment dated</p> <p>3/15/20</p> <p>COM-00297094-104 202 6</p> <p>Exhibit 14</p> <p>2019 Joint Business Plan,</p> <p>May 10, 2019</p> <p>COM-00059523-537 215 7</p>

<p style="text-align: right;">Page 6</p> <p>1 THE VIDEOGRAPHER: Good morning. We</p> <p>2 are going on the record at 9:59 a.m. on</p> <p>3 September 6th, 2023.</p> <p>4 Please note that this deposition is</p> <p>5 being conducted virtually. Quality of</p> <p>6 recording depends on quality of camera and</p> <p>7 Internet connection of participants. What is</p> <p>8 seen from the witness and heard on screen is</p> <p>9 what will be recorded.</p> <p>10 This is Media Unit 1 of the video</p> <p>11 recorded deposition of Kristy Kozlowski taken</p> <p>12 by counsel in the matter of United States, et</p> <p>13 al. v. Google LLC, filed in the United States</p> <p>14 District Court for the Eastern District of</p> <p>15 Virginia, Alexandria Division, Case</p> <p>16 No. 1:23-cv-000108.</p> <p>17 My name is Chris McWilliams</p> <p>18 representing Veritext Legal Solutions, and I'm</p> <p>19 the videographer.</p> <p>20 The court reporter is Stacey</p> <p>21 Daywalt, also from Veritext.</p> <p>22 I am not authorized to administer an</p> <p>23 oath, I am not related to any party in this</p> <p>24 action, nor am I financially interested in the</p> <p>25 outcome.</p>	<p style="text-align: right;">Page 8</p> <p>1 My first question is: Have you ever</p> <p>2 been deposed before?</p> <p>3 A. I have, many years ago.</p> <p>4 Q. How long ago?</p> <p>5 A. When I was 15.</p> <p>6 Q. Okay.</p> <p>7 A. It was a long time ago.</p> <p>8 Q. I'm sure --</p> <p>9 (Simultaneous crosstalk.)</p> <p>10 Q. I'm sorry. I interrupted you.</p> <p>11 A. No, I was going to say on personal</p> <p>12 injury, not related professionally.</p> <p>13 Q. Great.</p> <p>14 Well, I'm sure your counsel has gone</p> <p>15 over the rules of the road, but I'll just</p> <p>16 briefly identify a few things that will make</p> <p>17 our proceedings today go a bit smoother.</p> <p>18 The first is you have to give verbal</p> <p>19 answers, no nods or uh-huh or uh-uh.</p> <p>20 Do you understand that?</p> <p>21 A. I do.</p> <p>22 Q. Perfect.</p> <p>23 The second is, in order to help the</p> <p>24 videographer get a clean transcript, you'll</p> <p>25 need to let me finish my question before you</p>
<p style="text-align: right;">Page 7</p> <p>1 If there are any objections to</p> <p>2 proceeding, please state them at the time of</p> <p>3 your appearance.</p> <p>4 Counsel will now state their</p> <p>5 appearances and affiliations for the record,</p> <p>6 beginning with the noticing attorney.</p> <p>7 (Counsel identify themselves on the</p> <p>8 record.)</p> <p>9 THE VIDEOGRAPHER: Will the court</p> <p>10 reporter please swear in the witness, and then</p> <p>11 counsel may proceed.</p> <p>12</p> <p>13 KRISTY KOZLOWSKI,</p> <p>14 called as a witness, having been duly sworn by</p> <p>15 a Notary Public, was examined and testified as</p> <p>16 follows:</p> <p>17</p> <p>18 EXAMINATION BY</p> <p>19 MS. DEARBORN:</p> <p>20 Q. Good morning, Ms. Kozlowski.</p> <p>21 A. Morning.</p> <p>22 Q. Am I pronouncing your name</p> <p>23 correctly?</p> <p>24 A. Yes, you are.</p> <p>25 Q. Fantastic.</p>	<p style="text-align: right;">Page 9</p> <p>1 start your answer.</p> <p>2 Is that all right?</p> <p>3 A. Yes.</p> <p>4 Q. We will take a few breaks today.</p> <p>5 The -- you're welcome to ask for a</p> <p>6 break at any time. This is not a marathon --</p> <p>7 or I guess this is not a sprint, it's a</p> <p>8 marathon.</p> <p>9 But my only question is that you</p> <p>10 would refrain from taking a break while a</p> <p>11 question is pending.</p> <p>12 Is that all right?</p> <p>13 A. Yes, that is.</p> <p>14 Q. Okay. I will endeavor to ask clear</p> <p>15 questions today.</p> <p>16 But if at any time my question is</p> <p>17 confusing, please just ask me to rephrase and</p> <p>18 I'll do my best.</p> <p>19 If I don't -- if you don't ask me to</p> <p>20 rephrase, I'll just understand -- or I'll</p> <p>21 assume that you have understood the question.</p> <p>22 Is that okay?</p> <p>23 A. Yes.</p> <p>24 Q. Is there any reason you can't give</p> <p>25 complete and honest testimony today?</p>

<p style="text-align: right;">Page 138</p> <p>1 1:38 p.m.)</p> <p>2 THE VIDEOGRAPHER: We are back on</p> <p>3 the video record at 1:38.</p> <p>4 This begins Media Unit four.</p> <p>5 MR. LYNCH: Just a note for the</p> <p>6 record that Julia Pudlin from Comcast's legal</p> <p>7 department has joined us in the room here.</p> <p>8 MS. DEARBORN: Great.</p> <p>9 BY MS. DEARBORN:</p> <p>10 Q. Welcome back from lunch,</p> <p>11 Ms. Kozlowski.</p> <p>12 A. Thank you.</p> <p>13 Q. Great.</p> <p>14 So we've talked about various</p> <p>15 metrics on which Comcast evaluates the</p> <p>16 performance of the channels that it uses to</p> <p>17 purchase advertories and inventory, such as</p> <p>18 cost per click, cost per media, cost per lead,</p> <p>19 et cetera.</p> <p>20 Is there a term that you would use</p> <p>21 to describe those metrics?</p> <p>22 A. I would probably use KPI, key</p> <p>23 performance indicators.</p> <p>24 Q. Okay. So do you also -- does</p> <p>25 Comcast also evaluate social media spend along</p>	<p style="text-align: right;">Page 140</p> <p>1 would consider shifting its spending between</p> <p>2 the various digital channels if display was</p> <p>3 underperforming along key KPIs.</p> <p>4 A. Yes.</p> <p>5 If one of our key KPIs is CPA and</p> <p>6 display is becoming more expensive to deliver a</p> <p>7 CPA goal and other digital tactics like video</p> <p>8 or digital channels like social or online audio</p> <p>9 are showing a more efficient CPA, then there</p> <p>10 could potentially be an optimization of</p> <p>11 investment that would move our money out of</p> <p>12 display into other digital areas.</p> <p>13 Q. I was just going to ask what you</p> <p>14 meant by "an optimization of investment."</p> <p>15 Do you mean shifting spending or</p> <p>16 something else?</p> <p>17 A. Yeah, shifting spending.</p> <p>18 Q. Okay. And when we talk about</p> <p>19 social, I believe we spoke about this before,</p> <p>20 but that includes platforms like TikTok.</p> <p>21 Right?</p> <p>22 A. Yes.</p> <p>23 Q. And Facebook?</p> <p>24 A. Yes.</p> <p>25 Q. And Instagram?</p>
<p style="text-align: right;">Page 139</p> <p>1 those same metrics, those same KPI metrics?</p> <p>2 MR. GEIGER: Object to form.</p> <p>3 THE WITNESS: Yes, some of them,</p> <p>4 where relevant.</p> <p>5 Q. Can you explain.</p> <p>6 A. We -- cost per acquisition, CPA, as</p> <p>7 I keep mentioning, is one of our primary</p> <p>8 object- -- KPIs, just given our business.</p> <p>9 Not all partners in the social space</p> <p>10 can measure against CPA. They have been making</p> <p>11 some strides in some cases, but not every KPI</p> <p>12 is necessarily measurable in the same</p> <p>13 platforms.</p> <p>14 Q. Okay. Now, to what extent, if at</p> <p>15 all, would Comcast consider shifting its</p> <p>16 spending from display to social if display was</p> <p>17 underperforming along key KPIs?</p> <p>18 A. That would be likely --</p> <p>19 MR. GEIGER: Form, vague.</p> <p>20 THE WITNESS: It would be a likely</p> <p>21 optimization across probably digital in</p> <p>22 general, and I think we would open it up to</p> <p>23 beyond just social.</p> <p>24 BY MS. DEARBORN:</p> <p>25 Q. Can you please explain how Comcast</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Yes.</p> <p>2 Q. And are those platforms what are</p> <p>3 known as walled gardens?</p> <p>4 A. Yes.</p> <p>5 Q. And can Comcast purchase advertising</p> <p>6 inventory across any of those platforms using</p> <p>7 Google's tools?</p> <p>8 A. No.</p> <p>9 Q. Does the social category include any</p> <p>10 other platforms -- sorry. You mentioned Reddit</p> <p>11 also and some others.</p> <p>12 Can you just list again for the</p> <p>13 record what social platforms Comcast considers.</p> <p>14 A. Yeah.</p> <p>15 Our primary partners that we work</p> <p>16 with from an investment standpoint would be</p> <p>17 Meta, Twitter, Snapchat, TikTok.</p> <p>18 But we also do spend with partners</p> <p>19 like Nextdoor and Reddit and Pinterest, but</p> <p>20 they do have a lower level of spend compared to</p> <p>21 the others.</p> <p>22 Q. Are all of those platforms walled</p> <p>23 gardens?</p> <p>24 A. I'm not entirely sure.</p> <p>25 Q. Can Comcast purchase advertising</p>

<p style="text-align: right;">Page 142</p> <p>1 inventory on any of those platforms through</p> <p>2 DV360?</p> <p>3 A. No, not to my knowledge.</p> <p>4 Q. Now, to what extent, if at all,</p> <p>5 would Comcast consider shifting its spending</p> <p>6 from display to connected TV if display was</p> <p>7 underperforming along Comcast's key KPIs?</p> <p>8 A. If the key KPI is underperforming</p> <p>9 and connected TV can deliver a better</p> <p>10 performance against that same KPI, then yes, it</p> <p>11 would be considered an optimization.</p> <p>12 Q. And to what extent, if at all, would</p> <p>13 Comcast consider shifting its spending from</p> <p>14 display to online video if display was</p> <p>15 underperforming on Comcast's key KPIs?</p> <p>16 A. The same as connected TV.</p> <p>17 We would look at other areas in</p> <p>18 which we can measure the same KPI to see if an</p> <p>19 optimization would be needed.</p> <p>20 Q. To what extent, if at all, would</p> <p>21 Comcast consider shifting its spending from</p> <p>22 display to broadcast television if display was</p> <p>23 underperforming along Comcast's key KPIs?</p> <p>24 A. It would be considered but nuanced,</p> <p>25 as we can't measure the same KPI in television</p>	<p style="text-align: right;">Page 144</p> <p>1 MR. GREENBAUM: Sure.</p> <p>2 We're on Comcast 10, and it is now</p> <p>3 in exhibit share.</p> <p>4 (Exhibit 10, Cookieless Future</p> <p>5 Preparation, Comcast Divisional Overview, June</p> <p>6 22, 2021, COM-00000236-269, marked for</p> <p>7 identification.)</p> <p>8 BY MS. DEARBORN:</p> <p>9 Q. Excellent.</p> <p>10 So for the record, I've marked as</p> <p>11 Comcast Exhibit 10 a document bearing Bates</p> <p>12 No. COM-00000236.</p> <p>13 Let me know when you have this,</p> <p>14 Ms. Kozlowski.</p> <p>15 A. I have it.</p> <p>16 Q. Do you recognize this document?</p> <p>17 A. I do.</p> <p>18 Q. What is it?</p> <p>19 A. This is a document in which we were</p> <p>20 giving an update to our divisional media</p> <p>21 partners around the changes in the privacy and</p> <p>22 regulatory space as cookies go away.</p> <p>23 Q. And who prepared this presentation?</p> <p>24 A. This would have been prepared by</p> <p>25 folks on my team that oversees measurement and</p>
<p style="text-align: right;">Page 143</p> <p>1 in the same fashion.</p> <p>2 Q. If display was underperforming on</p> <p>3 Comcast's key KPIs, what other platforms would</p> <p>4 Comcast consider shifting its spending to?</p> <p>5 A. Can you define "platform" in this</p> <p>6 instance.</p> <p>7 Q. Maybe I should rephrase and say</p> <p>8 channel.</p> <p>9 Would that be better?</p> <p>10 So if display was underperforming on</p> <p>11 Comcast's key KPIs, what other channels would</p> <p>12 Comcast consider spending -- shifting its</p> <p>13 spending to?</p> <p>14 A. We would assess all channels.</p> <p>15 Q. Are there any channels that Comcast</p> <p>16 would exclude if display was underperforming</p> <p>17 along key KPIs?</p> <p>18 A. I don't think we would exclude.</p> <p>19 But we would rely on historical</p> <p>20 performance and media contribution to at least</p> <p>21 narrow the list.</p> <p>22 Q. Great. Thank you.</p> <p>23 MS. DEARBORN: So Mr. Greenbaum, can</p> <p>24 you please put Tab 3 in the chat and remind me</p> <p>25 what exhibit number we're on.</p>	<p style="text-align: right;">Page 145</p> <p>1 analytics in partnership with the measurement</p> <p>2 and analytics team at Spark, our agency of</p> <p>3 record.</p> <p>4 Q. And would the individuals who</p> <p>5 prepared this document have prepared it in the</p> <p>6 ordinary course of Comcast's business?</p> <p>7 A. Yes, related to our work to prepare</p> <p>8 for the cookie-less future.</p> <p>9 Q. And it was prepared on or about</p> <p>10 June 22nd, 2021?</p> <p>11 A. Yes, that's correct.</p> <p>12 Q. And can you describe what a</p> <p>13 cookie-less future is.</p> <p>14 You touched on this a little bit</p> <p>15 earlier, but please give me your understanding.</p> <p>16 A. Yes.</p> <p>17 It's essentially cookies are the</p> <p>18 signals in which we are able to sort of target</p> <p>19 today, leveraging cookies to target in</p> <p>20 programmatic media, as well as track and</p> <p>21 measure the performance of our media.</p> <p>22 So cookies are a heavily reliant</p> <p>23 area in the programmatic space for us to</p> <p>24 execute and invest our dollars to make them</p> <p>25 targeting -- targetable and trackable.</p>

<p style="text-align: right;">Page 250</p> <p>1 Ms. Kozlowski, I would like to thank you very 2 much for your time today. 3 THE WITNESS: Of course. 4 MR. GEIGER: Thank you, 5 Ms. Kozlowski. 6 THE WITNESS: Thank you. 7 THE VIDEOGRAPHER: We are going off 8 the record at 4:12. 9 This concludes today's testimony of 10 Kristy Kozlowski. 11 Total number of media used was five 12 and will be retained by Veritext Legal 13 Solutions. 14 (Deposition adjourned at 4:13 p.m.) 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 252</p> <p>1 Christopher Lynch Esq 2 Christopher.Lynch@davispolk.com 3 September 8th, 2023 4 RE: United States, Et Al v. Google, LLC 5 9/6/2023, Kristy Kozlowski (#6078882) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 (erratas-cs@veritext.com). 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>
<p style="text-align: right;">Page 251</p> <p>1 District of Columbia, to wit: 2 I, Stacey L. Daywalt, a Notary 3 Public of the District of Columbia, do hereby 4 certify that the within-named witness remotely 5 appeared before me at the time and place herein 6 set out, and after having been duly sworn by 7 me, according to law, was examined by Counsel. 8 I further certify that the 9 examination was recorded stenographically by me 10 and this transcript is a true record of the 11 proceedings. 12 I further certify that I am not of 13 counsel to any of the parties, nor an employee 14 of counsel, nor related to any of the parties, 15 nor in any way interested in the outcome of 16 this action. 17 As witness my hand and Notarial Seal 18 this 8th day of September, 2023. 19 20 21  22 Stacey L. Daywalt, Notary Public 23 My Commission Expires: 4/14/2026 24 25</p>	<p style="text-align: right;">Page 253</p> <p>1 United States, Et Al v. Google, LLC 2 Kristy Kozlowski (#6078882) 3 E R R A T A S H E E T 4 PAGE____ LINE____ CHANGE_____ 5 _____ 6 REASON_____ 7 PAGE____ LINE____ CHANGE_____ 8 _____ 9 REASON_____ 10 PAGE____ LINE____ CHANGE_____ 11 _____ 12 REASON_____ 13 PAGE____ LINE____ CHANGE_____ 14 _____ 15 REASON_____ 16 PAGE____ LINE____ CHANGE_____ 17 _____ 18 REASON_____ 19 PAGE____ LINE____ CHANGE_____ 20 _____ 21 REASON_____ 22 _____ 23 _____ 24 Kristy Kozlowski Date 25</p>